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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

THOMAS COLEMAN, individually;

Plaintiffs,

vs.

GEICO CASUALTY COMPANY; DOES I - X,
and ROE CORPORATIONS I - X, inclusive,

Defendants.

CASE NO. 2:23-cv-01911-RFB-DJA

**STIPULATED DISCOVERY PLAN
AND SCHEDULING ORDER**

1. Meeting: Pursuant to Fed. R. Civ. P. 26(f), a meeting was held on December 6, 2023, and was attended by Justin G. Randall, Esq. of ER Injury Attorneys, for Plaintiff, and Chenelle Jackson, Esq. of McCormick, Barstow, Sheppard, Wayte & Carruth LLP, for Defendant.

2. Pre-Discovery Disclosures: Pursuant to Fed. R. Civ. P. 26(a)(1), Plaintiff and Defendant will serve their Initial Disclosures on or before December 7, 2023.

3. Areas of Discovery: The parties agree that the areas of discovery should include, but not be limited to: all claims and defenses allowed pursuant to the Federal Rules of Civil Procedure.

4. Changes to Discovery Rules: The parties do not see a need to change the discovery rules set forth in the Federal Rules of Civil Procedure and the Local Rules for the District of Nevada.

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1 **5. Discovery Plan:** The parties proposed the following discovery plan:

2 **A. Alternative Dispute Resolution:** The parties certify that they met and
3 conferred about the possibility of using alternative dispute-resolution processes, including mediation,
4 arbitration and if applicable, early neutral resolution.

5 **B. Alternative Forms of Case Disposition:** The parties certify they considered
6 consent to trial by magistrate judge under 28 USC § 636(c) and Fed. R. Civ. P. 73 and the use of the
7 Short Trial Program. Defendant is currently unwilling to consent to either.

8 **C. Discovery Cut-off Dates(s):** LR 26-1(b)(1) provides that “unless otherwise
9 ordered, discovery periods longer than one hundred eighty (180) days from the date the first
10 defendant answers or appears will require special scheduling review.” The parties agree there is
11 no need for a special review. Therefore, the parties agree that discovery must be commenced and
12 completed no later than May 27, 2024. This date is 180 days after Defendant’s filing of its
13 appearance and answer.

14 **D. Amending the Pleadings and Adding Parties:** The parties shall have until
15 February 26, 2024, to file any motions to amend the pleadings to add parties. This is 90 days
16 before the discovery cut-off date.

17 **E. FRCP 26-1(b)(3) Disclosures of Experts:** Disclosure of experts shall
18 proceed according to Fed. R. Civ. P. 26(a)(2) as follows: the disclosure of experts and their reports
19 shall occur on or before March 28, 2024. The disclosure of rebuttal experts and their reports shall
20 occur on or before April 26, 2024. These deadlines are 60 and 29 days before the disclosure cut-
21 off-date, respectively.

22 **F. Dispositive Motions:** The parties shall have until June 26, 2024, to file
23 dispositive motions. This is 30 days after the discovery cut-off date.

24 **G. Pre-Trial Order:** The parties will prepare a Consolidated Pre-Trial Order
25 on or before July 26, 2024, which is 31 days after the date set for filing dispositive motions in
26 the case. This Deadline will be suspended if dispositive motions are timely filed until 29 days
27 after the decision of the dispositive motions or until further order of the Court. The disclosures
28 required by Fed. R. Civ. P. 26(a)(3) and objections thereto, shall be made in the pre-trial order.

1 **H. Electronic Evidence:** The parties certify they discussed whether they
 2 intend to present evidence in electronic format to jurors for the purposes of jury deliberations. At
 3 this time, the parties agree they will submit their exhibits to the court in paper format or
 4 electronic format. The parties agree to service of discovery requests and responses in PDF
 5 format via Email, where practical. For documents too large to send via email, the parties
 6 consent to exchange via a cloud-based service (DropBox, OneDrive, iCloud, etc) or on a CD or
 7 DVD sent via US Mail.

8 **I. Court Conferences:** If the Court has questions regarding the dates proposed by
 9 the parties, the parties request a conference with the Court before entry of the Scheduling Order. If
 10 the Court does not have questions, the parties do not request a conference with the Court.

11 **J. Extensions or Modifications of the Discovery Plan and Scheduling Order:**
 12 ²⁶⁻³ LR ~~26-4~~ governs modifications or extensions of this Discovery Plan and Scheduling Order. Any
 13 stipulation or motion must be made not later than May 6, 2024, 21 days before the discovery
 14 cut-off date.

15 **K. Format of Discovery:** Pursuant to the electronic discovery amendments to
 16 the Federal Rules of Civil Procedure effective December 1, 2006, the parties addressed the e-
 17 discovery issues pertaining to the format of discovery at the Fed. R. Civ. P. 26(f) conference. The
 18 parties do not anticipate discovery of native files or metadata at this time, but each party reserves
 19 the right to make a showing for the need of such electronic data as discovery progresses.

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1 L. **Electronic Service of Discovery:** Counsel for Plaintiff hereby agrees to
2 electronic service of all documents to the following email addresses:
3 justin@erinjuryattorneys.com and miriam@erinjuryattorneys.com.

4 Counsel for Defendant hereby agrees to electronic service of all documents to the following
5 email addresses: Chenelle.Jackson@mccormickbarstow.com
6 Debbie.DeArmond@mccormickbarstow.com and Jonathan.Carlson@mccormickbarstow.com.

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8 ER INJURY ATTORNEYS

MCCORMICK, BARSTOW, SHEPPARD,
WAYTE & CARRUTH LLP

9 By:/s/ Justin G. Randal _____

10 Justin G. Randall, Esq.
11 Nevada Bar No. 12476
12 *Attorneys for Plaintiff*

By:/s/ Jonathan W. Carlson _____

Jonathan W. Carlson, Esq.
Nevada Bar No. 10536
Chenelle Jackson, Esq.
Nevada Bar No. 015750
Attorney for Defendant

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14 **ORDER**

15 IT IS SO ORDERED:

16 DATED: 12/11/2023

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19 UNITED STATES DISTRICT COURT
20 MAGISTRATE JUDGE
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Miriam Alvarez <miriam@erinjuryattorneys.com>

RE: Coleman v. GEICO - Proposed Discovery Plan and Scheduling Order

1 message

Jonathan Carlson <Jonathan.Carlson@mccormickbarstow.com>

Thu, Dec 7, 2023 at 6:16 PM

To: Miriam Alvarez <miriam@erinjuryattorneys.com>, Debbie DeArmond <Debbie.DeArmond@mccormickbarstow.com>

Cc: "david@davislawgroupnv.com" <david@davislawgroupnv.com>, Justin Randall <justin@erinjuryattorneys.com>, April Taylor <april@erinjuryattorneys.com>, "thomascoleman11927855@er.filevineapp.com" <thomascoleman11927855@er.filevineapp.com>

Thanks, okay to e-sign for us. Thanks.

Jon

Jonathan Carlson

Partner

McCormick Barstow LLP

8337 West Sunset Road, Suite 350

Las Vegas, NV 89113

Main (702) 949-1100 | Fax (702) 949-1101

www.mccormickbarstow.com**From:** Miriam Alvarez <miriam@erinjuryattorneys.com>**Sent:** Thursday, December 7, 2023 5:08 PM**To:** Debbie DeArmond <Debbie.DeArmond@mccormickbarstow.com>**Cc:** david@davislawgroupnv.com; Justin Randall <justin@erinjuryattorneys.com>; Jonathan Carlson <Jonathan.Carlson@mccormickbarstow.com>; April Taylor <april@erinjuryattorneys.com>; thomascoleman11927855@er.filevineapp.com**Subject:** Re: Coleman v. GEICO - Proposed Discovery Plan and Scheduling Order

Hi Mr. Carlson-- Attached is the Proposed Discovery Plan and Scheduling Order for your review. Please let us know if you have any changes or if we can file using your signature. Thank you.

**Miriam Alvarez**

Paralegal

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